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12/16/2005 MPEOPLES 00000002 120400 09676670

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Sir:

TERMINAL DISCLAIMER

Petitioner, **GEORGE H. SCHERR** is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,696,077. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,696,077 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,696,077, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,696,077 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Copies of the assignment documents in the chain of title from the original owner to the assignee are attached, and were recorded in the Patent and Trademark Office at reel/frame 015572/0475.

The undersigned representative has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: December 6, 2005

By: 

Patricia Hoyle, Ph.D
Reg. No. 54,187



Certification under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with The United States Postal Service with sufficient postage as first class mail in an envelope addressed to The Assistant Commissioner of Patents, Washington, D.C. 20231 on October 7, 2004.

W. Dennis Drehkoff

Name

W. Dennis Drehkoff

Signature

DOCKET: CU-3758

APPLICANT: George H. SCHERR

SERIAL NO: 09/676,670

FILED: October 2, 2000

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) Group Art Unit: 1617

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) Examiner: S. Sharareh

TITLE: ALGINATE FOAM COMPOSITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sirs:

Enclosed please find the following:

1. Response to Office Action dated April 7, 2004.
2. Request for Continued Prosecution
3. Request for Extension of Time and check for \$490
4. Power of Attorney
5. Post Card receipt.

Please charge account no.12-0400 for \$395 for the RCE and if credits or other fee payments are due, please charge the account.

October 7, 2004

Date

Respectfully submitted,

W. Dennis Drehkoff

Attorney for Applicant

W. Dennis Drehkoff

Reg. No. 27, 193

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